

**Notice of Allowability**

Application No.

09/847,794

Examiner

Scott L. Jarrett

Applicant(s)

HUFFMAN, JACKIE L.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/2007.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER

### **ALLOWANCE**

The following is an Allowance in response to the Board of Patent Appeals and Interferences decision rendered on February 27, 2007. Claims 1-18 are currently pending and allowed below.

### **REASONS FOR ALLOWANCE**

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a point of sale terminal (POS) for providing performance feedback directly to a cashier manning the POS terminal wherein the cashier is presented with a performance goal screen at the beginning of their work session indicating the cashier's performance goal for that work session and displayed a performance report screen at the end of the work session indicating the cashier's performance, comprising the number of items scanned per unit time, and the performance goal for that work session.

None of the prior art of record, taken individually or in any combination, teach, inter alia, method or a point of sale (POS) terminal for providing feedback to a cashier of a POS terminal wherein the terminal provides a performance goal screen when the cashier logs onto the POS terminal to start their work session and providing a report of

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the cashier's measured performance and the performance goal when the cashier ends a work session by logging off of the POS terminal as claimed in independent claims 1 and 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Webb et al., U.S. Patent NO. 4,819,162, teach a system and method for worker productivity analysis.

- Houser et al., U.S. Patent No. 4,930,093, teach a performance measurement and reporting system and method for monitoring worker performance at a plurality of data terminals.

- Pipella et al., U.S. Patent No. 5,068,787, teach a system and method for worker performance (efficiency) reporting and monitoring.

- Fath et al., U.S. Patent No. 5,121,319, teach a system and method for technician performance monitoring and feedback during a work session.

- Stent et al., U.S. Patent No. 5,355,327, teach a system and method for monitoring computer user activities during a work session wherein the work session is the period of time between the user's logon and logoff.

- Maloney et al., U.S. Patent No. 5,535, 256, teach a system and method for monitoring and reporting call center agent performance.

- Janovski et al., U.S. Patent No. 5,726,914, teach a work performance measurement/monitoring and reporting system and method.

Bull, U.S. Patent No. 6,735,574, teach an employee productivity tracking and reporting system and method.

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- Matsko, U.S. Patent No. 6,970,810, teach a system and method for providing performance feedback in a point of sale system.
- Matsko, U.S. Patent No. 7,093,748, teach a system and method for providing performance feedback in a point of sale system.
- Hadden et al., U.S. Patent No. 7,181,413, teach a system and method for measuring performance against performance goals and providing performance training/feedback.
- Stuart et al., U.S. Patent Publication No. 2001/0032120, teach a system and method for displaying call agent productivity/performance.
- Herbert et al., U.S. Patent Publication No. 2001/0056367, teach a system and method for providing performance feedback to call center agents.
- Green, WO 97/13229, teaches a cashier performance measurement and feedback system and method.
- Fitzpatrick, Michael, Measuring Productivity with Employee Task Charts (1988), teaches the well-known utilization of methods and systems for measuring employee performance and providing employee performance feedback directly to the monitored employee.
- Meyer, Christopher, How the Right Measures Help Teams Excel (1994), teaches an employee, both team and individual, performance monitoring and reporting system and method wherein employees are provided a performance report screen comprising their current performance and their performance goal.

- Grant et al., Computerized Performance Monitors as Multidimensional Systems (1996), teaches the well-known utilization of computerized performance monitoring and control systems (CPMCSs) to measure/monitor and provide performance feedback to personal wherein the users performance is compared to goal/target performance levels.

- Lean Manufacturing Principles Improve Production (1996), teaches the well known utilization of performance and productivity monitoring systems and methods wherein such systems/methods display individual and group performance goal screens (andon boards) which display in real-time the worker(s) current performance and performance goals for that work session (shift).

- Stansfield, The effects of feedback and goal setting on manufacturing productivity improvement (1997), teach the old and very well known utilization of performance setting and performance feedback to improve individual worker productivity including the use of performance monitoring and feedback systems comprising performance goals and actual performance measures.


- Kaydos, Operational Performance Measurement (1999), teaches the well known utilization of performance measurement systems and methods to improve individual and business productivity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Scott L. Jarrett  
Assistant Patent Examiner  
3/7/2007